

POLICY STATEMENT
MARIJUANA ESTABLISHMENTS/MEDICAL MARIJUANA TREATMENT CENTERS
TOWN OF ASHBURNHAM, MA

PURPOSE

On 30 October 2018, the Town of Ashburnham adopted Zoning By-Laws governing marijuana establishments. The intention of this “Policy on Host Community Agreement for Marijuana Establishments and Registered Marijuana Dispensaries” (“Policy”) is to outline the process by which Host Community Agreements (“HCA”) will be negotiated with existing or prospective Marijuana Establishment licensees (“ME”) and/or Medical Marijuana Treatment Center licensees (“MMTC”) (the latter being formally known as a Registered Marijuana Dispensary)

POLICY STATEMENT

The Town may enter an HCA with a ME and/or MMTC that the Board of Selectmen (“BOS”), as advised by the Marijuana Review Team (“MRT”), deems is in the best interest of the Town. The basis for the Town’s review and consideration of HCAs is a desire to protect the health, safety and welfare of Ashburnham residents and the community.

The MRT shall produce an annual marijuana report (“AMR”) for the BOS to document the impacts of MEs and/or MMTCs on the Town. The AMR’s are intended to serve as the basis for recommendations relative to future HCAs and amendments to the Town’s by-laws and policies regarding MEs and/or MMTCs.

MARIJUANA REVIEW TEAM

MRT shall consist of the Town Administrator (“TA”), a member from Police, Fire and Building Departments, the DPW, Planning Board, Zoning Board of Appeals, Board of Health, Conservation Commission, AEDC, a School representative, and Town Counsel. The TA shall lead MRT meetings, develop HCAs, and designate specific tasks to MRT members. The TA shall further appoint a member of the MRT to produce the AMR.

The Town Counsel shall attend MRT meetings as requested by the TA and/or BOS, draft and review HCAs and other applicable legal documents, provide advice on Massachusetts and federal marijuana law and Cannabis Control Commission (“CCC”) policy and guidance. The Town Counsel is required to approve municipal contracts, including HCA, as to form, in accordance with the Town’s bylaws and charter.

The TA’s Administrative Assistant/or other specific individual shall review applications for completeness and request additional information as needed, schedule MRT meetings and take MRT meeting minutes.

The BOS shall review and sign final HCA and/or letters as required by the CCC.

The members of MRT shall review applications, participate in HCA applicant interviews, and make recommendations to inform the development of the HCA, and the ME and/or MMTC establishments that will operate in the Town. MRT members also shall contribute to the AMR.

HOST COMMUNITY AGREEMENT PROCESS

I. Introductory Meeting

A prospective applicant for an HCA with the Town of Ashburnham shall submit to the MRT a written Request for an introductory meeting with the MRT prior to advertising a Community Outreach Meeting, which is required by the CCC pursuant to 935 CMR 500.101 (1)(a)(9) to occur within the six (6) months prior to an application for licensure. The Request and following required minimum supporting materials must be submitted prior to meeting with the MRT:

1. Resumes for every manager, director, or officer of the ME and/or MMTC;
2. Completed Criminal Offender Record Information ("CORI");
3. Business and/or Strategic Plan;
4. Security Plan;
5. Site Plan, which has been prepared by a professional engineer or land surveyor licensed in the Commonwealth of Massachusetts;
6. Financial records or letter of financing demonstrating capitalization or investment to ensure the establishment's solvency and successful operation;
7. Proposed Community Outreach Meeting date and agenda, including information to be presented at such meeting pursuant to 935 CMR 500.101 (1)(a)(9); and
8. All HCA's with other municipalities, if applicable.

Upon confirmation by the MRT that the Request is complete, the TA's Administrative Assistant will schedule an introductory meeting between the applicant and the MRT.

II. Application Submittal and MRT Review

Following the introductory and Community Outreach meetings, a prospective applicant for an HCA with the Town of Ashburnham shall submit to the MRT a written application consisting of the MRT Application Form and all required supporting documentation as listed on the Form. This information will serve as the basis for an HCA, assuming a recommendation to the BOS is made by the MRT to enter an HCA with an applicant.

All documentation shall be prepared by applicable professionals holding certification and/or licensure when applicable. Applicants may, but are not required to, demonstrate commitment to Ashburnham through voluntary sponsorship of, or contribution to, one or more programs, facilities or improvements serving Ashburnham residents.

The application shall not be considered complete nor shall the MRT commence its review of the application until all requested items as listed on the application form are provided to the MRT.

In its consideration of an application, favorable MRT review criteria shall include, but not limited to the following:

- a. Demonstrated direct experience in the cannabis industry or a similar industry, e.g., existing DPH or CCC licensure;
- b. Strategic plan, 5-year plan, and/or business plan;
- c. Existing presence in Ashburnham;
- d. Existing presence in Massachusetts;
- e. Site selection and ability to obtain necessary local permits;
- f. Security, fire protection, and transportation plan;
- g. Site plan showing proposed development features, site circulation, parking, lighting, screening, and delivery bay;
- h. Minimal traffic impacts and appropriate mitigation for environmental impacts (e.g. stormwater management, wastewater disposal and odor control);
- i. Approval of security and fire protection plans by Chief of Police and Fire Chief, respectively;
- j. Managers, directors, officers, investors, and others related to the establishment are free of any disqualifying criminal convictions;
- k. Interview with all the organization's controlling members, legal counsel, financial controller, security manager, operations manager;
- l. Identification of investors; and
- m. Commitment to diverse and local hiring.

III. Recommendation for/Preparation of an HCA

The Town shall make all efforts to ensure that the process for obtaining an HCA is unbiased, objective, transparent and timely. After the MRT completes its review of an application, and the applicant has conducted its Community Outreach Meeting, the MRT shall make a recommendation to the BOS as to whether an HCA shall be granted to the applicant. The MRT shall notify the applicant of its recommendation. Regardless of a positive recommendation by the MRT, the town is not obligated to enter an HCA with any applicant, or to do so within a set time period.

If the MRT makes a positive recommendation for an HCA to the BOS, the Town Counsel will provide a proposed HCA to the applicant or its designee or counsel. The HCA shall include the following minimum provisions:

- a. Hours of operation;
- b. Reasonable restrictions of public signage that are no more restrictive than those set forth in the town's Sign By-law;
- c. Reasonable conditions concerning the delivery or transportation of cannabis;
- d. Security and safety plan developed in cooperation with the Ashburnham Police Department and Fire Department, which shall include, but not be

limited to: parking lot surveillance; detail policing; prohibition against entertainment; and prohibition against on-premises consumption of marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, 1, as amended), cannabinoids or products containing the same;

- e. Site and facility maintenance/upkeep plan to ensure sanitary and litter-free conditions;
- f. One-time payment of a community impact fee prior to commencing operations; and
- g. Annual payment of community impact fee.

The proposed HCA also shall contain provisions in applicable Ashburnham By-laws and/or Regulations, and any conditions agreed to in its discussions with the BOS and the applicant.

Upon the receipt of comments from the applicant or its designee or counsel, the HCA will be finalized to the mutual satisfaction of the BOS and the applicant.

V. Reporting

A. Municipal Reporting

1. The CCC's Guidance on Host Community Agreements states in relevant part that "[s]ome anticipated costs that may reasonably be included in a fee of up to 3% of gross annual sales include services such as:
 - a. Traffic intersection design studies where additional heavy traffic is anticipated because of the location of a retail establishment;
 - b. Environmental impact or storm water or wastewater studies anticipated as the result of cultivation and overall facility operation;
 - c. Public safety personnel overtime costs during times where higher congestion or crowds are anticipated;
 - d. Additional substance abuse prevention programming during the first five (5) years of operation;
 - e. Municipal inspection costs.

The list delineated above is not intended to be exhaustive or exclusive and is merely provided as illustrative examples.

Accordingly, at the start of each fiscal year, the TA will designate a member of the MRT who will develop a separate AMR for each ME and/or MMTc. Such person shall work with the various members of the MRT to collect the necessary data to produce the AMRs documenting the impacts of marijuana establishments and/or MMTcs on the Town which impacts are not limited to the matters listed above.

2. Annual Marijuana Report

The AMRs shall include information from each respective member of MRT relative to marijuana. Specific required information includes impacts to traffic (including crash data where marijuana was involved), any reports provided by a ME and/or MMTC, the number of calls from the Police and Fire Department responding to a ME and/or MMTC, and the taxes collected from a ME and/or MMTC, among other relevant information.

B. Reporting by a ME and/or MMTC

Pursuant to 935 CMR 500.103 (4)(d), “At the time of renewal, [ME and/or MMTC] licensees shall make available an accounting of the financial benefits accruing to the municipality as the result of the HCA with the licensee. The [Cannabis Control] Commission will make this information available on its website. Municipalities are encouraged to share cost-benefit information with licensees and the Commission.”

Accordingly, a party with whom the Town enters an HCA shall provide the MRT with copies of all filings made to the DPH, CCC, Office of the Attorney General and Massachusetts Department of Revenue (DOR) and shall make available to the Town an accounting of the financial benefits accruing to the municipality as the result of the HCA with the licensee.